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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,888	07/08/2003	Terence Gerard Daly	83336.0631	9852

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STEPTOE & JOHNSON, LLP  
1330 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036

EXAMINER
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RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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08/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/615,888

Applicant(s)

DALY, TERENCE GERARD

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-16 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 5-16 and 18-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

In response to the Request for Continued Examination filed June 15, 2007 wherein claims 2, 5 and 17 are canceled, an affidavit is entered and claims 1, 3-4, 5-16 and 18-31 are pending in this application.

### *Affidavit*

1. The declaration filed on April 3 2007 under 37 CFR 1.131 is sufficient to overcome the Munoz (US Pub. No. 2004/0242313) reference. The examiner notes that the drawings were missing from the declaration submitted. However, the declaration submitted provides enough evidence and support for the claimed invention prior to May 29, 2003 of the Munoz reference.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 5-16 and 18-31 are pending in this application are rejected under 35 U.S.C. 103(a) as being unpatentable over Poole (US 6,375,570).

Regarding claims 1, 16 and 31, Poole discloses spinning a plurality of reels within a display window, the plurality of reels each displaying one or more game symbols (figure 4 and col. 5, lines 58-59; wherein a plurality of reels are shown); selecting a subset of the spinning reels for use in

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determining a game outcome (figure 6 and col. 7, lines 52-62; wherein the three middle reels are selected as shown); consolidating the selected reels within the display window (figure 6; wherein the middle reels are united together); and determining if the selected reels produce a winning game outcome and awarding a prize if a winning game outcome is achieved (figure 6 and col. 7, line 63 – col. 8, line 3).

Regarding claims 7 and 22, Poole the selection of the subset of reels for use in determining a game outcome is at least partially computer controlled (figure 6 and col. 7, lines 52-62).

Regarding claims 8-9 and 23-24, Poole discloses the plurality of reels is mechanical reels and/or video representation of physicals (col. 4, lines 43-46; where the gaming device may be in mechanical, electrical or video form).

Regarding claims 10 and 25, Poole discloses a bonus game in conjunction with an underlying primary game (summary).

Regarding claims 11 and 26, Poole discloses a winning game outcome in the bonus game results in a prize that is added to a prize won in the underlying primary game (summary).

Regarding claims 12 and 27, Poole discloses a winning game outcome in the bonus game results in multiplying a prize won in the underlying primary game (summary).

Regarding claims 15 and 30, pool discloses that as is known in the art and in the gaming industry, any game is capable of being used as a primary or secondary type game.

Poole is silent in regards to claim 1, removing the non-selected reels from a player's view within the display window; regarding claims 3 and 18, stopping the spinning of the selected reels, before the consolidating of the selected reels within the display window; regarding claims 4 and 19, stopping the spinning of the selected reels, before the removing of the non-selected reels from a player's view within the display window; regarding claims 20 and 31, wherein consolidating the

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selected reels within the display window comprises juxtapositioning the selected reels to eliminate any non-contiguous positioning of the selected reels produced by the removal the non-selected reels.

Poole does however does disclose that the selected middle reels (figure 6) vibrate, shake or otherwise move laterally, thus indicating to the player that the middle reels are the reels selected and in play. It would have been an obvious aesthetic design to remove, rearrange, or juxtapose reels because they provide the same predictable result in a particular animation whether electrical or mechanical exhibitions in order to bring attention to events and to entertain players. One of ordinary skill in the art, furthermore, would have expected Applicant's predictable results to perform equally well with Poole's exhibitions in order to bring attention to events and to entertain players.

At the time the invention was made, it would have been an obvious design choice to a person of ordinary skill in the art to stopping the spinning of the selected reel after the consolidating and/or before consolidating for the selected reels and/or before the removing of the non-selected reels because Applicant has not disclosed that stopping the spinning of the selected reel after the consolidating and/or before consolidating for the selected reels and/or before the removing of the non-selected reels provides an advantage, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with stopping the reels at any time because no matter when the reels are stops, the player still has the opportunity to view the game outcome. Therefore, it would have been obvious to one of ordinary skill in the art to modify Poole to include aesthetic limitations as noted above to provide different types of exhibitions in order to bring attention to events and to entertain players.

Regarding claims 13-14 and 28-29, Poole is silent in regard a non-winning outcome in the bonus game reduces a prize won in the underlying primary game and a non-winning game outcome in the bonus game includes at least the possibility of losing prize won in the underlying primary

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game. At the time the invention was made, it would have been an obvious design choice to a person of ordinary skill in the art to provide non-winning outcomes in the bonus game of reducing a prize won in the underlying primary game and the possibility of losing prize won in the underlying primary game because Applicant has not disclosed that having non-winning outcomes that effect the primary game outcome provides an advantage or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with predictable results providing players with opportunities to win during a bonus round or lose in a bonus game because providing the same predictable results in providing gamblers the opportunity of chance to increase there chances at an increased payout.

#### ***Allowable Subject Matter***

3. Claims 6 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3-4, 5-16 and 18-31 are pending in this application have been considered but are moot in view of the new ground(s) of rejection.

The examiner notes that giving the claims their broadest reasonable interpretation, the Poole reference discloses the claimed invention as discussed above.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert E. Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714

AM  
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**XUAN M. THAI**  
**SUPERVISORY PATENT EXAMINER**

TC3200